



Written Testimony Supporting Senate Bill 129, Access to Counsel in Immigration Proceedings Program

To Chair Smith, Vice-Chair Waldstreicher, and members of the Judicial Proceedings Committee:

On behalf of the National Coalition for a Civil Right to Counsel (NCCRC),¹ I am pleased to submit this testimony in support of SB 129. Maryland should take this opportunity to join this wave and ensure that its residents do not face deportation and all its collateral consequence without being provided counsel. And it should not consider the 2021 passage of HB 18, which provides a right to counsel for tenants facing eviction, to be a barrier to passage of SB 129: both immigration and eviction matters gravely damage Maryland families and the state as a whole.

There are numerous reasons why SB 129 is essential and would further justice in Maryland. Immigration proceedings potentially impact every essential human need a person or family can have: physical liberty, child custody, physical and mental health, education, and so on. Yet few are able to find counsel on their own. Moreover, a [Pennsylvania study](#) found unrepresented immigrants are four times less likely to seek relief than those with counsel, while a [study by the American Immigration Council](#) found that among those without counsel, detained immigrants are half as likely as non-detained immigrants to seek relief.

There is ample data regarding the dramatic impact of counsel in such proceedings. The latest data from the [Vera Institute](#) found that immigrants with counsel are 3.5 times more likely to obtain bond and 10 times more likely to establish their right to remain than those without counsel. Additionally, a comprehensive [study](#) by UCLA Professor Ingrid Eagly and Steven Shafer of over 1 million immigration cases found that “the odds are 15 times greater that an immigrant with representation, as compared to one without, sought relief, and 5.5 times greater that they obtained relief from removal.” And a [study](#) by the American Immigration Council found that represented immigrants are 4 times more likely to be released from detention and significantly more likely to obtain the relief sought (two times more likely if detained, five times more likely if not). This impact is unsurprising given that immigration matters have often been identified as second only to the tax code in complexity.

The state stands to benefit significantly from a right to counsel: a [New Jersey study](#) found that:

- New Jersey employers pay \$5.9 million in turnover-related costs annually as they are forced to replace detained or deported employees;

¹ The NCCRC, a project of the Public Justice Center, works to establish the right to counsel in civil cases involving basic human needs (such as immigration removal proceedings) by supporting litigation, legislation, research support, and public advocacy/education across the country. The NCCRC has over 600 participants and partners in 41 states, including many in Maryland.

- New Jersey’s economy would lose \$18 million in wages and \$1.6 million in total tax revenue annually from detained immigrants.
- Annually, detentions and deportations cost New Jersey approximately \$732,000 in child health insurance and \$203,000 in foster care for children of detained or deported parents. This total annual cost of nearly \$1 million does not include the long-term costs associated with child trauma, development, and health conditions from deporting their parents.

And the Eagly/Shafer study found that “involvement of counsel was associated with certain gains in court efficiency: represented respondents did not use valuable court and detention time to seek counsel, they were more likely to be released from custody, and, once released, were more likely to appear at their future deportation hearings.”

In recognition of all of this, cities and states around the country have joined Vera’s [SAFE Network](#) and began providing public funding for immigration representation, while [New York City](#) has been providing universal immigration representation for some time. Additionally there have been a number of federal bills filed to provide a right to counsel for vulnerable immigrants in removal proceedings.² Maryland needs to act to join this wave.

We appreciate this opportunity to provide additional national perspective on the issue and hope the Committee will support this important bill.

Sincerely,



John Pollock

Coordinator, NCCRC

² We have all the federal bills tracked at http://civilrighttocounsel.org/legislative_developments/20212022_bills.